



## Arizona Medical Board

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### FINAL MINUTES FOR ADMINISTRATIVE JOINT LEGISLATION AND RULES COMMITTEE TELECONFERENCE MEETING Held on Thursday, July 31, 2025 1740 W. Adams St., Phoenix, Arizona

#### *Committee Members*

Jodi A. Bain, M.A., J.D., LL.M., Chair  
Katie S. Artz, M.D., M.S.  
Bruce Bethancourt, M.D.  
Laura Dorrell, M.S.N., R.N.  
R. Screven Farmer, M.D.  
Gary R. Figge, M.D.

#### GENERAL BUSINESS

##### A. CALL TO ORDER

Chairwoman Bain called the Committee's meeting to order at: 4:03 p.m.

##### B. ROLL CALL

The following Committee members participated virtually: Ms. Bain, Dr. Bethancourt, Dr. Artz, Ms. Dorrell, Dr. Farmer and Dr. Figge.

The following Committee member was absent: Dr. Artz.

The following Board staff participated in the virtual meeting: Raquel Rivera, Executive Director; Pushpa Gregor, IT Manager; Michelle Butler, Chief Operations Officer and Michelle Robles, Board Operations Manager. Carrie Smith, Assistant Attorney General ("AAG") was also present.

##### C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

No individuals addressed the Board during the Public Statements portion of the meeting.

##### D. APPROVAL OF MINUTES

- June 27, 2025 Administrative Joint Legislation and Rules Committee

**MOTION:** Dr. Farmer moved to approve the June 27, 2025 Administrative JLRC Meeting Minutes.

**SECOND:** Ms. Dorrell.

**VOTE:** The following Committee members voted in favor of the motion: Dr. Bethancourt, Ms. Dorrell, Dr. Farmer and Dr. Figge. The following Committee member was absent: Dr. Artz.

**VOTE:** 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

##### E. REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATIONS REGARDING AMB FY25/FY26 BUDGET AND POTENTIAL APPROPRIATION CONSIDERATIONS

Ms. Rivera provided the Committee with the budget and staffing spreadsheets for FY25 and projections for FY26. Ms. Rivera reported that the Board remains in neutral revenue. Staff hopes to refresh the MD and PA websites and did receive a quote for \$150,000 through ADOA. Ms. Rivera reported that since this project is scheduled to start July 26<sup>th</sup>, she plans to request special appropriations for FY27 to help cover this expense. Ms. Rivera requested that the JLRC meet in August to review and provide feedback on the annual reports.

## **F. REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATIONS REGARDING AMB IT BUDGET**

Ms. Rivera reported that the Board received grant funding through FSMB to aid in its IT projects. She stated that staff is limited to working on two projects at one time and there is a staggered plan for the initial four projects. Staff continue to work on cost savings by entering a three month contract with Zoom versus an annual contract. Ms. Rivera noted that the goal is to transition from Zoom to Google Meets.

Ms. Butler confirmed that it would be about a \$17,000 saving.

Ms. Rivera confirmed that there are similar features available through Google Meets. Ms. Rivera noted that the Board is moving from Constant Contact to ADOA for email blasts. It will be significantly cheaper at \$160 a month in lieu of the \$8,000 for Constant Contact. Ms. Rivera also reported that staff will be moving away from Survey Monkey and start using Google surveys, which is a free service through Gmail. These can be added to employee's signatures and allow us to get responses in terms of customer satisfaction feedback.

## **G. REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING FIVE YEAR REVIEW AND RULEMAKING CALENDAR**

Ms. Rivera reported that the calendar is available for review.

## **H. FIVE YEAR REVIEW**

### **1. ARTICLE 2, LICENSURE - REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATIONS WITH UPDATE ON STATUS OF FIVE-YEAR REVIEW REPORT**

Ms. Rivera reported that Article 2 rules are up for review and inquired if the Committee is interested in making a change to the Board's current practice with regard to there being no timeframe on malpractice disclosures for initial applicants or if the Board would be interested in putting a 10-year parameter on those malpractice disclosures.

Dr. Figge commented that when you're getting privileges and renewing your privileges, they have a 10-year limit. Dr. Figge opined that it is acceptable.

Committee members agreed that it seems reasonable.

Ms. Bain stated that as a public member she had a concern that putting a five-year limit on looking into a malpractice case was not protecting the public. Dr. Figge stated that for privileging there has been a ten-year limit and that for something older than 10 years, there's not likely to be any information. Dr. Farmer agreed that it would not affect what the Board does for public protection.

Ms. Rivera noted that typically the Federal medical record retention requirements, and they will change by state, is usually around six to seven years. Even if we have that 10-year practice parameter, there are going to be some cases where we will make the attempt to try to get those records, but I think 10 will at least limit some of those investigations and for them to go through the process a bit more efficiently.

Ms. Rivera confirmed that she can reach out to ARMA and a few other professional societies. Ms. Rivera opined that this is something that they're going to be supportive of, because it will help get individuals licensed quicker because if they have an old malpractice case, that could stall the application process.

Ms. Bain opined that GRRC may have some problems with this.

Ms. Smith explained that obtaining malpractice settlements is used to evaluate whether the licensee meets A.R.S. § 32-1422(a)(3) which is whether the physician can safely practice medicine and (4) which is having a professional record that indicates the applicant has not committed or engaged in conduct that would contribute to grounds for disciplinary action against the licensee. There is not a specific statutory requirement regarding malpractice. If there is a malpractice settlement that might indicate that there's some sort of a professional conduct or medical quality of care issue, the Board needs to evaluate and determine whether or not the issue been remediated and resolved in some way.

Ms. Rivera informed the Committee that potential language was provided in the June memo.

Ms. Bain explained that GRRC might have a problem with it if the timeframe is not in statute.

Dr. Bethancourt noted that the statute for medical records is seven years.

Ms. Smith confirmed that record retention is seven years for adults and seven years after the 18<sup>th</sup> birthday for children.

Ms. Rivera confirmed that the requirement for malpractice claims is in rule, not in statute. Ms. Rivera noted that the Committee should see the red line version by September.

## **2. ARTICLE 3, DISPENSING - REVIEW, DISCUSSION AND UPDATE ON STATUS OF FIVE-YEAR REVIEW REPORT**

Ms. Rivera stated that this review went to GRRC on July 29<sup>th</sup> and it was passed with the recommendation to approve. Representative Member Thornwall had asked how many inspections that we were doing for dispensing regulators, and Ms. Rivera let him know that the Board is a complaint driven agency and that does not have the authority to go on site without a complaint to review record keeping practices. Ms. Rivera noted that it has to go back to GRRC for their final approval on August 5<sup>th</sup>. At that time, Ms. Rivera reported that she will provide the data that we have around 32,373 physicians and of those 433 have dispensing registrations. That is about 1.3% of our licensee population.

## **I. RULEMAKING**

### **1. ARTICLE 6, DISCIPLINARY ACTION - OFFICE BASED SURGERY - REVIEW, DISCUSSION AND UPDATE REGARDING RULEMAKING CONSIDERATIONS**

Ms. Rivera reported that the Five Year Rule Review for Article 6 was considered at that same meeting on July 29<sup>th</sup>. It was passed with the recommendation to approve. There were no questions, comments, or concerns by GRRC. The 5 Year Review will now be considered at their August 5<sup>th</sup> meeting.

### **2. ARTICLE 7, OFFICE BASED SURGERY - REVIEW, DISCUSSION AND UPDATE REGARDING RULEMAKING CONSIDERATIONS**

Ms. Rivera reported that she provided the notice of final rulemaking and economic impact statement for the Committee's review with the changes made at our meeting in June. This was also sent to Dr. Merrill and the Arizona Society of Anesthesiologists, as requested. Ms. Rivera noted that she hadn't received any feedback from them. These were sent to the Governor's office for their approval, and the plan is to submit these by the August 19<sup>th</sup> GRRC submission deadline.

## **J. DISCUSSION OF FUTURE TOPICS**

Ms. Rivera requested that the Committee meet around August 18<sup>th</sup> for review discussion and consideration of the draft annual reports, including the budget and strategic plan. Ms. Rivera further reported that the Board also received a request from a physician for clarification on an MA's ability to provide anesthetic injections. Ms. Rivera noted that there was a previous inquiry sent to Ms. McSorley as well that she would like to get the Committee's input on.

Dr. Figge commented on MAs injecting aesthetic. They can give vaccinations but giving injections for anesthesia is really next level. Dr. Farmer opined that he does not see a circumstance where an MA should do local anesthetic injections. Dr. Farmer stated that it is problematic and he don't see where the need would be. Ms. Dorrell noted that the MA is working under the physician's license, so it is the physician's license at risk. Dr. Bethancourt noted that having overseen 300 physicians and 400 MAs, they did an evaluation of each MA with their ability to drop the correct amount in a syringe and exactly where the syringe is supposed to go. They found so much variation that it was frightening, and they all had to be re-educated and retested. Dr. Bethancourt spoke highly against it.

Dr. Figge noted the FSMB training webinar and recommended having PHP updates in our meetings.

Ms. Rivera suggested data points that can be included in the report.

## **K. ADJOURNMENT**

**MOTION: Dr. Bethancourt moved for adjournment.**

**SECOND: Dr. Farmer.**

**VOTE: The following Committee members voted in favor of the motion: Dr. Bethancourt, Ms. Dorrell, Dr. Farmer and Dr. Figge. The following Committee member was absent: Dr. Artz.**

**VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

The meeting adjourned at: 4:47 p.m.



*Raquel Rivera*

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Raquel Rivera, Executive Director